

BEFORE THE
ILLINOIS COMMERCE COMMISSION

ANDREW STUBBLEFIELD)	DOCKET NO.
(STUN WEB DESIGNS))	08-0141
)	
-vs-)	
)	
ILLINOIS BELL TELEPHONE COMPANY)	
)	
Complaint as to lack of service)	
and support and billing issues in)	
Mount Vernon, Illinois.)	

Springfield, Illinois
Thursday, April 17, 2008

Met, pursuant to notice, at 10:30 a.m.

BEFORE :

MS. LISA TAPIA, Administrative Law Judge

APPEARANCES :

MR. ANDREW STUBBLEFIELD
Stun Web Designs
807 North Street
Mt. Vernon, Illinois 62864
E-mail: Drew@Stunhst.com

(Appearing on behalf of
Complainant via teleconference)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
Ln. #084-002710

1 APPEARANCES: (Continued)

2 MR. JAMES HUTTENHOWER
3 Corporate Counsel
4 225 West Randolph Street, Suite 25D
Chicago, Illinois 60606
Ph. 312) 727-1444

5 (Appearing on behalf of
6 Respondent via teleconference)

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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	None .				
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13		<u>EXHIBITS</u>			
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15				<u>MARKED</u>	<u>ADMITTED</u>
16	None .				
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The purpose of this prehearing conference is to clarify any issues and set a schedule in this matter.

MR. HUTTENHOWER: James Huttenhower,
H-U-T-T-E-N-H-O-W-E-R, appearing on behalf of
Illinois Bell Telephone, 225 West Randolph Street,
Suite 25D, Chicago, Illinois 60606. My telephone
number is (312) 727-1444.

JUDGE TAPIA: Thank you. And,
Mr. Stubblefield, could you please state your

1 address, phone number and e-mail address for the
2 record?

3 MR. STUBBLEFIELD: Okay. Andrew Stubblefield,
4 Stun Web Designs, 807 North Street, Mt. Vernon,
5 Illinois 62864. E-mail address: Drew, D-R-E-W, at
6 Stunhst.com.

7 JUDGE TAPIA: Thank you. Let the record
8 reflect that there are no others wishing to enter an
9 appearance in this matter.

10 Mr. Stubblefield, will you be
11 representing yourself in this case?

12 MR. STUBBLEFIELD: I believe so.

13 JUDGE TAPIA: And you are not an attorney?

14 MR. STUBBLEFIELD: No.

15 JUDGE TAPIA: And you are aware that you have
16 the burden of proof and are held to the same standard
17 as opposing counsel?

18 MR. STUBBLEFIELD: Yes.

19 JUDGE TAPIA: I have some questions. However,
20 I will give opposing counsel, Mr. Huttenhower, an
21 opportunity to ask you any questions or to clarify
22 anything in your complaint, if he has any.

1 MR. STUBBLEFIELD: Okay.

2 MR. HUTTENHOWER: I guess the only question I
3 would have at this point is related to, I guess, the
4 last page of your filing which is the part you typed
5 up, the five paragraphs.

6 MR. STUBBLEFIELD: Uh-huh.

7 MR. HUTTENHOWER: And paragraph four where you
8 talk about Illinois Bell and the tree limbs. And I
9 guess my question would be whether that is an issue
10 that's still outstanding as far as you are concerned.

11 MR. STUBBLEFIELD: At this point, no. We had
12 to bring in -- we had to get the city of Mt. Vernon
13 to come in and trim all those. They did -- AT&T
14 (Illinois Bell) did send out a guy with a hand saw
15 after I, you know, did numerous complaints on it and
16 actually contacted the Illinois Commerce Commission.
17 They did send a guy out with a hand saw then. But
18 everything was done prior to that.

19 MR. HUTTENHOWER: All right. That was the one
20 issue I was scratching my head over a little bit.

21 MR. STUBBLEFIELD: Yeah, really it was just the
22 maintenance of the lines. But hold on one second.

1 (Pause.)

2 Okay, sorry about that.

3 JUDGE TAPIA: Any questions, Mr. Huttenhower?

4 MR. HUTTENHOWER: No, Your Honor.

5 JUDGE TAPIA: Mr. Stubblefield or actually
6 Mr. Huttenhower, maybe you are more appropriate to
7 answer this question. In regard to the internet
8 connection, is this a contractual issue or is it
9 within the tariffs? Was something filed with the ICC
10 or --

11 MR. HUTTENHOWER: The internet service is
12 actually not provided by Illinois Bell. It is
13 provided by our affiliate AT&T Internet Services.
14 And I am anticipating that I would file a motion to
15 dismiss saying that Illinois Bell doesn't even bill
16 this service. And that, you know, if
17 Mr. Stubblefield has an issue with the internet
18 service, the proper entity that should be involved is
19 AT&T Internet Services.

20 However, sort of more directly
21 answering your question, I do not believe that this
22 service, regardless of what AT&T entity provides it,

1 is something that is within the Commission's
2 jurisdiction. Because it is basically an information
3 service as opposed to a telecom service.

4 JUDGE TAPIA: Okay. That was my confusion.

5 Okay. Do you understand, Mr.
6 Stubblefield what Mr. Huttenhower just said?

7 MR. STUBBLEFIELD: Yeah. I have tried numerous
8 times when talking to AT&T Internet Services. And
9 when I was talking to the Illinois Commerce
10 Commission to find out, you know, exactly who we were
11 supposed to file this complaint against and I was
12 always referred back to, you know, that it was
13 Illinois Bell because that was the parent provider.

14 I mean, you know, truthfully I thought
15 myself that we were supposed to be filing against the
16 AT&T Internet Services in Dallas, Texas.

17 MR. HUTTENHOWER: First I would say I am not
18 trying to play a shell game. But if Illinois Bell
19 the telephone company isn't providing the service --
20 let me start that over. I don't think you could file
21 a complaint against the internet service's company at
22 the Commerce Commission because it is not a company

1 -- it doesn't provide services that the Illinois
2 Commerce Commission regulates.

3 I have not gotten an answer to my
4 question internally about whether if you were to say
5 to me, well then, where can I go, Jim.

6 MR. STUBBLEFIELD: That is my big question
7 since October when we started all this.

8 MR. HUTTENHOWER: I mean, I think that -- the
9 two choices that I can see, and I was hoping to get a
10 definitive answer before you asked me that question,
11 was whether you would go to the Federal
12 Communications Commission or whether this could be
13 something that you could just go to your local state
14 court and bring up there.

15 Having said that as well, however, I
16 know from our e-mail exchange earlier this week that
17 you do have a question about your internet services
18 bill.

19 MR. STUBBLEFIELD: Right.

20 MR. HUTTENHOWER: Which at least, looking at
21 those two months' bills myself, I can understand why
22 you might have a question. And now the trial that I

1 had at the beginning of the week is over, I can do a
2 little more birddogging with the internet people to
3 see if I can get somebody to get an answer to that
4 question.

5 MR. STUBBLEFIELD: Believe me, Jim, that is all
6 I have been trying to get, you know. And excuse me
7 for jumping in here, I have contacted the AT&T
8 Internet Services. I asked them who -- you know,
9 where we go to file a complaint, blah, blah, blah.
10 They tell me nothing. I asked to speak to their
11 attorneys, okay. Well, they won't peck me through to
12 their attorneys because their attorneys, quote
13 unquote, and I have no idea, you know, but only deal
14 with the bankruptcies.

15 And then my other big issue always has
16 been that we have been running 1.41 megabytes per
17 seconds since the git-go on this which I was promised
18 a 1.53 connection. And I have been told by the
19 technicians and yada, yada, yada, excuse me, that the
20 reason we are getting a slower speed is because of
21 the distance that we are from the main office which
22 we are 700 -- under 800 foot from your office. I

1 look out the back door and I can see it or, you know,
2 the main switching station, I apologize.

3 But, you know, the billing issue and
4 the band width problem, and also the band width jumps
5 around. It goes up and down all the time, too. And
6 they have never -- they will not send out a
7 technician to even look at our lines. Those have
8 been my big issues, along with trying to find out
9 actually who to contact to get all this going, you
10 know, get this into the property hands, you know.

11 And, unfortunately, the Illinois
12 Commerce Commission stuck it into your lap which, you
13 know, this is out of your area.

14 MR. HUTTENHOWER: Well, certainly, I don't
15 always understand the way my company in the larger
16 sense is organized. I don't blame anyone else for
17 having trouble with it as well. And I will try --
18 because I generally just work with the telephone
19 company people, I have a much better knowledge of
20 where I would go to address a billing question or a
21 service quality question for the telephone service
22 than I do with the internet people. But this -- your

1 case is giving me an opportunity to learn a little
2 more about that.

3 MR. STUBBLEFIELD: I am sorry to laugh, but my
4 brother-in-law is an attorney and everybody in his
5 law firm, you know, has their specialties. You know,
6 one does this, one does that, you know, and they
7 don't cross paths too much. So I understand what you
8 are talking about.

9 But I -- you know, like I said, all I
10 want out of this is to, you know, get the services
11 that we were promised, figure out our billing issues
12 and, you know, see what we can do from there.

13 MR. HUTTENHOWER: All right. Judge Tapia, if I
14 may make a suggestion?

15 JUDGE TAPIA: Yes, please.

16 MR. HUTTENHOWER: Again, I know you and I
17 talked a little bit about the schedule while we were
18 uncertain whether from Mr. Stubblefield was going to
19 join us or not. What I would suggest is that we set
20 a status date, you know, in the future, perhaps, in
21 June. I will undertake in the meantime to try and --
22 I can't necessarily guarantee, Mr. Stubblefield, that

1 you will get satisfaction, but I will undertake to
2 get somebody to talk to you, at the internet company
3 about your issues.

4 MR. STUBBLEFIELD: Okay, that would be --
5 that's a step in the right direction. That's all I
6 have been hoping for is, you know, get everything
7 moving towards, you know, a reasonable solution to
8 all this.

9 JUDGE TAPIA: Okay. Why don't we -- anything
10 further, Mr. Huttenhower?

11 MR. HUTTENHOWER: No.

12 JUDGE TAPIA: Mr. Stubblefield?

13 MR. STUBBLEFIELD: Yes.

14 JUDGE TAPIA: Anything further?

15 MR. STUBBLEFIELD: No, no. As long as we are
16 moving in the right direction, I am happy.

17 JUDGE TAPIA: Why don't do this then? We will
18 go ahead and set a status date for June 19 at 10:00
19 a.m., and if something is resolved prior to that, we
20 will deal with it prior to that. But let's set a
21 status date for June 19 at 10:00 a.m., and
22 Mr. Stubblefield, you can attend by phone. Mr.

1 Huttenhower, should we keep this same bridge?

2 MR. HUTTENHOWER: I am not -- there is some
3 talk that they are going to switch our numbers. So
4 will send out an e-mail beforehand with the number
5 which may be the same number or it may be a new
6 number.

7 JUDGE TAPIA: Then we will just go ahead and do
8 that. I will just disregard this number. Of course,
9 Mr. Huttenhower, you can attend by phone. Just make
10 sure that you forward the number and the access code
11 to Mr. Stubblefield as well.

12 MR. HUTTENHOWER: Yes.

13 JUDGE TAPIA: And we will have a status date on
14 June 19, and at that time we will kind of figure out
15 where we will go from there.

16 Anything else?

17 MR. HUTTENHOWER: No, Your Honor.

18 JUDGE TAPIA: Mr. Stubblefield, nothing?

19 MR. STUBBLEFIELD: No. I just appreciate, you
20 know, getting everything moving forward. That's all
21 we've been wanting.

22 JUDGE TAPIA: Okay. Because it appears that

1 this may not fall under the ICC's jurisdiction. But
2 Mr. Huttenhower will do some researching and we will
3 see what happens.

4 So let's continue this matter to June
5 19 at 10:00 a.m. Thank you.

6 (Whereupon the hearing in this
7 matter was continued until June
8 19, 2008, at 10:00 a.m. in
9 Springfield, Illinois.)

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